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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,742	03/07/2002	Richard Leifer	202-19 (CIP-II)	2961

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EXAMINER	
BROCKETTI, JULIE K	

ART UNIT	PAPER NUMBER
3713	3

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,742	LEIFER, RICHARD	
	Examiner	Art Unit	
	Julie K Brocketti	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2002* .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-12, 14-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leifer et al., U.S. Patent No. 6,208,327 B1 in view of Sim, U.S. Patent No. 6,213,880 B1. Leifer et al. discloses a wireless system for a video game console. The system has at least one communication port including game controller ports for receiving game controllers. A wireless receiver has one end that is insertable into one of the game controller ports of the video game console and a receiving portion (See Leifer et al. col. 5 lines 1-5). The controller has a transmitter and contains a plurality of player function control buttons; the remote control wirelessly transmits player control commands to the wireless receiver for controlling the player functions of the video game console (See Leifer et al. col. 4 lines 31-49). The wireless signals may be transmitted and received using an infrared or radio frequency protocol or a combination of both (See Leifer et al. col. 4 lines 1-6). The communication port comprises a game controller port and a memory slot (See Leifer Fig. 1).

Leifer does not expressly disclose a USB port, a FireWire port or a PCMCIA slot. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the communication ports also be a USB port, a FireWire port or a PCMCIA slot because Applicant has not disclosed that these ports provide an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the communication ports of a game controller port or a memory slot because they are commonly used in the art. Therefore, it would have been an obvious matter of design choice to modify Leifer to obtain the invention specified in claim 3. It is also inherent to the system of Leifer that the wireless receiver obtains power from the game console via the communication port (See Leifer Fig. 9). The receiver interface contains circuitry that must be powered, therefore, it is inherent that since there is no power source in the interface itself. The power is being obtained from the game console. Leifer et al. lacks in disclosing using the controller to control DVDs.

Sim teaches of a game pad apparatus and method for navigation on a digital video disk (DVD) system and for use as a universal control for controlling a plurality of devices including non-gaming functions of a video game console. It is well known in the art that some video game consoles are capable of playing DVDs. Moreover, the game console has two modes of operation, a first mode capable of playing video games and a second

entertainment mode capable of playing DVD videos or utilizing non-game media. A game controller is coupled to the controller port and configured to operate the game console in a first game mode. The controller is also capable of controlling the game console in the second entertainment mode (See Sim col. 10 lines 1-27). The controller has DVD player function control buttons, i.e. non-game media, and transmits DVD player control commands, i.e. non-game media, to the receiver, i.e. the DVD player, for controller the video game console when in the second entertainment mode (See Sim col. 3 lines 1-18). Sim teaches of a game controller capable of translating control commands for controlling the DVD player functions of the video game console. The system converts received DVD player control commands into electrical signals for input into the communication port of the video game console. The game pad of Sim acts as a universal controller for controlling a plurality of different controllable devices. Memory stores a plurality of code sets corresponding to a plurality of brands of controllable devices including a second entertainment mode of a video game console (See Sim col. 1 lines 58-67 & col. 2 lines 1-20). Buttons are provided to access any of the plurality of code sets and enabling an operation mode for controlling a selected controllable device, wherein a predetermined set of buttons are activated for each operation mode. The buttons include DVD player function control buttons for controlling the DVD player functions of the video game console when operating in the second entertainment mode (See Sim col. 6 lines 7-33). It would have been obvious at

the time the invention was made to include a translator module in the controller system of Leifer et al. so that DVD navigation may be fully integrated with the game pad. It would also have been obvious to make the invention of Sim wireless so that players would not be restricted to where they sit and play because of the length of the wires. Consequently, a player can use a remote controller for controlling the DVD and game system (See Sim col. 5 lines 26-44). Furthermore, it is obvious to implement DVD control functions on the game controller of Leifer since the gaming media used at the time the invention was made included DVD's for game play, therefore, one would want to control the games.

Claims 4, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leifer in view of Sim as applied above, and further in view of Lawson, "Infrared wireless LANs offer switched bandwidth". Sim and Leifer lack in disclosing that the wireless receiver comprises an additional port. Lawson teaches of an infrared wireless LAN that uses pass-through technology for a small infrared receiver. Thus the wireless receiver comprises an additional communication port corresponding to the at least one communication port in which the wireless receiver is inserted. The additional communication port provides the user with access to at least one communication port being utilized by the wireless receiver. For example, pass-through ports allow the infrared receiver to be connected to a main unit while allowing additional peripheral devices to be connected to the same port (See

Lawson). It would have been obvious at the time the invention was made to use a pass-through port in the invention of Leifer et al. so that when the wireless receiver is operable positioned within the game controller port of the video game console the game controller port is capable of receiving a game controller. Consequently, the user has access to the communication port while it is being utilized by the wireless receiver. By using a pass-through port, players do not have to constantly remove the wireless receiver from the port in order to plug in a game controller when they decide that they do not want to use a wireless controller but want to use the standard wired controller instead. The pass-through port offers convenience for the player.

Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Sobota et al., U.S. Patent No. 6,238,289 B1.

--Sobota et al. discloses a radio frequency game controller for communication between a user and an electronic game device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brocketti whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg SPE can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-5648.

Julie Brocketti

Julie Brocketti
Examiner
Art Unit 3713
September 23, 2003